

REMARKS

Entry of the foregoing and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114, and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 1 and 60 have been amended to recite that the binder substantially does not have a fluoroalkyl group. Support for such amendments can be found in the instant specification at least at page 23, last line to page 24, line 16, taken in connection with page 25, lines 24-32, as well as the examples. In this regard, concerning the recitation of "negative limitations", M.P.E.P. §2173.05(i) states that "If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims." Thus, the substantial exclusion of a fluoroalkyl group from the binder as recited in claims 1 and 60, is supported by Applicants' disclosure. New independent claim 70 and dependent claim 71 have been added. Support for new claim 70 can be found in the instant specification at least in original claims 1-5 and 11, taken in connection with page 24, lines 8-12. Support for new claim 71 can be found in the instant specification at least at page 24, lines 8-12.

The specification has been amended to correct a typographical error in the word "trimethylolpropane" appearing at paragraph [0301] of the published application, US 2007/0146887. While the typographical error appears in the published application, the originally filed specification does not contain such typographical error. No new matter has been added by the above amendments. Entry of the foregoing amendments is proper in view of the fact that a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

In the Official Action, claims 1, 13 and 60 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being

obvious over International Publication No. WO 2004/017105 (*Matsunaga et al*), as evidenced by U.S. Patent No. 4,692,492 (*Gunesin*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The February 26, 2004 publication date of *Matsunaga et al* is not more than one year prior to the December 24, 2004 international filing date of the present §371 application. As such, *Matsunaga et al* does not qualify as prior art under 35 U.S.C. §102(b).

Furthermore, attached hereto for the Examiner's consideration is a verified English translation of Japanese Patent Application No. 2003-434142 filed on December 26, 2003, to which the present application claims the benefit of foreign priority. Applicants submit that the '142 priority application contains support for the claims currently under consideration. The February 26, 2004 publication date of *Matsunaga et al* is not prior to the December 26, 2003 filing date of the '142 priority application. Thus, in view of the perfected foreign priority claim, *Matsunaga et al* does not qualify as prior art under 35 U.S.C. §102(a).

Submitted herewith is a Statement Under 35 U.S.C. §103(c), which states that International Publication No. WO 2004/017105 A1 and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. As such, *Matsunaga et al* does not qualify as prior art under 35 U.S.C. §102(e) in any rejection under 35 U.S.C. §103(a).

Applicants submit that independent claims 1 and 60, as amended, are not anticipated by *Matsunaga et al* for at least the following reasons.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, *Matsunaga et al* does not disclose each feature recited in independent claims 1 and 60, and as such fails to constitute an anticipation of such claims. For example, *Matsunaga et al* does not disclose a low-refractive index layer which comprises a hollow silica particle, and wherein the low-refractive index layer comprises a binder that substantially does not have a fluoroalkyl group, as recited in claims 1 and 60. *Matsunaga et al* has no disclosure of a low-refractive index layer comprising both (1) a hollow silica particle and (2) a binder that substantially does not have a fluoroalkyl group.

In this regard, it is respectfully noted that the Patent Office has relied on the Coating Solution D for Low Refractive Index Layer disclosed at page 152 of *Matsunaga et al*, to which a dipentaerythritol pentaacrylate and dipentaerythritol hexaacrylate mixture are added. Such low refractive index layer formed from Coating Solution D differs from the low refractive-index layer of claims 1 and 60, however, because the silica particles employed in Coating Solution D are not hollow. See *Matsunaga et al* at pages 136-137.

Applicants note that by employing an exemplary aspect, an antireflection film can be attained having, for example, good antireflection capability, good scratch resistance and good stain resistance. See paragraph [0021] of the published application. Exemplary Samples 003 and 004 described in Applicants' disclosure are low in reflectivity and high in rubber eraser rubbing resistance, ink wiping, steel wool rubbing resistance and adhesiveness of crosscut characteristics. By comparison, Sample 005 prepared by removing a (meth)acryloyl group from a silicone compound and Sample

008 not containing a silicone compound, but containing a fluorine compound, are inferior to Samples 003 and 004 in ink wiping and steel wool rubbing resistance characteristics. Further, Sample 008 is inferior to Samples 003 and 004 in adhesiveness of crosscut characteristic. See Table 4 at page 176 of the present specification.

Gunesin fails to cure the above-described deficiencies of *Matsunaga et al.* In this regard, the Patent Office has relied on *Gunesin* for disclosing a silicone compound with low surface free energy. See Official Action at page 3. As *Gunesin* does not rectify the above-noted deficiencies of *Matsunaga et al.*, the combination of *Gunesin* and *Matsunaga et al* still would not have resulted in the subject matter of claims 1 and 60.

In view of the foregoing, Applicants respectfully submit that independent claims 1 and 60 are not anticipated by *Matsunaga et al* as evidenced by *Gunesin*. As such, withdrawal of the above rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at her earliest convenience.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 9, 2010

By: 

Roger H. Lee
Registration No. 46317

Customer No. 21839
703 836 6620